

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

MITCHELL VAN GLAZE and
LONNIE D. GLAZE,

Plaintiffs,

V.

EARL FRANKLIN FOX, et al.,

Defendants.

CV-03-RRR-3177-S

MEMORANDUM OPINION

Defendants Sherry Jean Fox and Safeco have filed motions to dismiss plaintiff Mitchell Van Glaze's complaint against them. Their motions set out Mitchell Van Glaze's consistent failure to appear for his scheduled depositions. Dismissal is the most powerful recourse for a recalcitrant plaintiff. In this case, however, at oral argument, the plaintiff's attorney acknowledged to the court that this plaintiff has failed to cooperate with his own counsel and did not appear for oral argument as instructed. Wherefore, it is hereby determined that it is fair and proper to grant the defendants' motion to dismiss on the ground of failure to prosecute. An appropriate order will be entered.

DONE this 13th day of October, 2005.

William M. Acker
WILLIAM M. ACKER, JR.

WILLIAM M. ACKER, JR.
UNITED STATES DISTRICT JUDGE